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PTO/SB/05 (03-01)

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>  <i>(Only for new nonprovisional applications under 37 CFR 1.53(b))</i>	Attorney Docket No.	10173-102-999	Total Pages	238
	First Named Inventor or Application Identifier			
	Dasseux			
	Express Mail Label No.	EV 335 856 896 US		

<b>APPLICATION ELEMENTS</b> <i>See MPEP chapters 600 concerning utility patent application contents.</i>	<b>Address to:</b> <b>Commissioner for Patents</b> <b>P.O. Box 1450</b> <b>Mail Stop PATENT APPLICATION</b> <b>Alexandria, VA 22313-1450</b>
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1. ☒ Fee Transmittal Form  
*(Submit an original, and a duplicate for fee processing)*
2. ☒ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
3. ☒ Specification [Total Pages 190 ]  
*(preferred arrangement set forth below, MPEP 1503.01)*
  - Descriptive title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Microfiche Appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description of the Invention (including drawings, if filed)
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 USC 113) [Total Sheets 21 ]
5. ☒ Declaration and Power of Attorney [Total Sheets 4 ]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d))  
*(for continuation/divisional with Box 18 completed)*
    - i. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission  
*(if applicable, all necessary)*
  - a. ☐ Computer Readable Form (CRF)
  - b. ☐ Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statement verifying identity of above copies

#### ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
*(when there is an assignee)*
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
*(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s)  
*(if foreign priority is claimed)*
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(i). Applicant must attach form PTO/SB/35 or it's equivalent
17. ☐ Other:

**18. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:**

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: 10/132,914 filed April 26, 2002, allowed, which is a divisional of U.S. application no. 09/540,740, filed March 31, 2000, now U.S. Patent No. 6,410,802, issued June 25, 2002, which claims priority to provisional application no. 60/127,321, filed April 1, 1999.

Prior application information:

Examiner: B. Dentz

Group Art Unit: 1625

**For CONTINUATION OR DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

#### 19. CORRESPONDENCE ADDRESS

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20583

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Prior application: Examiner B. DentzArt Unit 1625

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR § 1.53(b), of pending prior application no. divisional of U.S. Application No. 10/132,194, filed April 26, 2002, presently allowed, which is a divisional of U.S. Application No. 09/540,740, filed March 31, 2000, now U.S. Patent No. 6,410,802, issued June 25, 2002, which claims the benefit of U.S. Provisional Application No. 60/127,321, filed April 1, 1999, the disclosure of each is incorporated by reference in the present application in its entirety.

of Jean-Louis Henri Dasseux and Carmen Daniela Oniciu

(inventor(s) currently of record in prior application)

for INTERMEDIATES FOR THE SYNTHESIS OF ETHER COMPOUNDS

(title of invention)

1. ☒ The filing fee is calculated below:

**PATENT APPLICATION FEE VALUE**

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	1	- 20	0	\$18.00 each	\$ 0.00
Independent	1	- 3	0	\$84.00 each	\$ 0.00
Minimum Fee					\$ 750.00
Multiple Dependency Fee If Applicable (\$280.00)					\$ 0.00
<b>Total</b>					\$ 750.00
Applicant qualifies for the 50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					\$ 375.00
<b>Total Filing Fee</b>					\$ 375.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this document is enclosed.
3. ☐ Amend the specification by inserting before the first line the following sentence: This is a continuation of application no. filed which is incorporated by reference herein in its entirety.
- 4a. ☐ Drawings are enclosed.
- 4b. ☐ Informal drawings are enclosed.

- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
6. ☒ The prior application is assigned of record from Jean-Louis Henri Dasseux to Esperion Therapeutics, Inc.(Reel/Frame 011135/0538) and from Alchem Laboratories Corporation to Esperion Therapeutics, Inc.(Reel/Frame 011135/0569), wherein the application had previously been assigned from Carmen Daniela Oniciu to Alchem Laboratories Corporation (Reel/Frame 011135/0531).
- 7a. ☒ A copy of the Declaration and Power of Attorney (two counterparts) filed in the prior application no. no. 09/540,740 filed on March 31, 2000, is enclosed.
- 7b. ☐ A Power of Attorney is enclosed.
8. ☐ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no., filed on be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from application no. is enclosed.
9. ☐ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from application no. is the same as the content of the computer readable form submitted in application no. .
10. ☐ DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).
11. ☐ Additional Instructions or Enclosures:

Respectfully submitted,

*Anthony M. Insogna*, Reg. No. 35,203 ;

Date September 5, 2003

By: *Michael J. Brun*, Reg. No. 47,458

35,203

Anthony M. Insogna

(Reg. No.)

**PENNIE & EDMONDS LLP**

1155 Avenue of the Americas

New York, New York 10036-2711

(212) 790-9090

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Dasseux et al.

Serial No.: (Division under Rule 53(b) of  
Application No.: 10/132,914)

Group Art Unit: 1625

Examiner: B. Dentz

Filed: September 5, 2003

Attorney Docket No.: 10173-102-999

For: INTERMEDIATES FOR THE  
SYNTHESIS OF ETHER  
COMPOUNDS

**TRANSMITTAL OF FORMAL DRAWINGS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants submit herewith the formal drawings for the above-identified application. Specifically, enclosed are twenty-one (21) sheets of formal drawings (FIGS. 1-4, 5A, 5B, 6-7, 8A, 8B, 9, 10A, 10B, 11A-C, 12A, 12B, 13A, 13B, 14A, 14B and 15-20). Applicants respectfully request entry of the enclosed formal drawings into the file of the above-identified application.

It is estimated that no fee is due in connection with this transmittal. In the event that a fee is required, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date: September 5, 2003

By: Anthony M. Insogna, Reg. No. 35,203;  
Mich. D. Bruner, Reg. No. 47,458 35,203

Anthony M. Insogna

(Reg. No.)

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Enclosures